

1 Remarks

2 Amendments to the claims

3 Claims 5, 14-18 and 22 have been cancelled as indicated above. Claims 1, 6,
4 10, 19 and 23 have been amended as indicated above. Dependent claims 6 and 23
5 have been respectively amended in accordance with the amendments to claims 1
6 and 19. Claim 10 has been amended to replace the word "processor" with the word
7 "controller", so as to correct a minor antecedence error.

8 Support for the amendments to claims 1, 6, 10, 19 and 23 can be found at
9 least at page 5, line 12 to page 21, line 23 of the Specification, and figures 2-7 of the
10 Drawings, as respectively originally filed. No new matter has been added by way of
11 the amendments to the claims.

12
13 Objections to the Claims

14 Claim 10 has been objected to due to informalities. Specifically, the Examiner
15 has asserted his belief that the "processor" element, as originally recited by claim 10,
16 is the same as the "controller" element recited by claim 9, from which claim 10
17 depends. Claim 10 has been amended to recite the element "controller" in place of
18 the (originally recited) element "processor". The Applicant believes that claim 10, as
19 amended, fully addresses the objection issued by the Examiner, and withdrawal of
20 the objection is respectfully requested.

21
22 Rejection of Claims under 35 U.S.C. § 102

23 Claims 1, 4, 5, 9-10, 19 and 22 have been rejected under 35 U.S.C. § 102(b)
24 as being anticipated by U.S. Patent No. 6,130,757 ("Yoshida"). Claims 1-4, 6-8, 14-
25 16, 18-20 and 23-25 have been rejected under 35 U.S.C. § 102(e) as being
anticipated by U.S. Patent No. 6,714,744, ("Arima").

1 Rejected claims 5, 14-16, 18 and 22 have been cancelled as indicated above.
2 Therefore, the respective rejections of claims 5, 14-16, 18 and 22 (now cancelled)
3 are moot.

4 The Applicant respectfully disagrees that claims 1-4, 6-10, 19-20 and 23-25
5 (as respectively amended), are anticipated by Yoshida and/or Arima as respectively
6 rejected by the Examiner.

7 As a starting point, the PTO and the Federal Circuit provide that §102
8 anticipation requires each and every element of the claimed invention to be
9 disclosed in a single prior art reference. (*In re Spada*, 911 F.2d 705, 15 USPQ2d
10 1655 (Fed. Cir. 1990).) The corollary of this rule is that the absence from a cited
11 §102 reference of any claimed element negates the anticipation. (*Kloster*
12 *Speedsteel AB, et al v. Crucible, Inc., et al*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir.
13 1986).) Furthermore, “[a]nticipation requires that all of the elements and
14 limitations of the claims are found within a single prior art reference.” (*Scripps*
15 *Clinic and Research Found. v Genetech. Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d
16 1001, 1010 (Fed. Cir. 1991 (emphasis added).) Moreover, the PTO and the Federal
17 Circuit provide that §102 anticipation requires that there must be no difference
18 between the claimed invention and the reference disclosure. (*Scripps Clinic and*
19 *Research Found. v. Genetech, Inc.*, id. (emphasis added).)

20 Accordingly, if the Applicant can demonstrate that any one element or
21 limitation in claims 1-4, 6-10, 19-20 and 23-25 is not disclosed by Yoshida and/or
22 Arima, as these claims have been respectively rejected, then the respective claim(s)
23 must be allowed.

24 In the following arguments, the Applicant will focus in particular on
25 independent claims 1, 9 and 19, as the Applicant believes those claims to be
allowable (as amended above) over both Yoshida and Arima. It is axiomatic that any
dependent claim which depends from an allowable base claim is also allowable, and

1 therefore the Applicant does not believe it is necessary to present arguments in favor
2 of each and every dependent claim.

3
4 Claim 1

5 The Applicant contends that claim 1, as amended (and respectively rejected
6 claims 2-4 and 6-8 which depend directly or indirectly therefrom), are not anticipated
7 by Yoshida or Arima. With respect to claim 1 (as amended), that claim now recites
8 the following features and limitations:

9
10 A system to retrieve information pertaining to an imaging
11 apparatus, comprising:

12 an imaging apparatus comprising an information retrieval signal
13 generator configured to generate an information retrieval signal, the
14 information signal generator including a user interface;

15 a communication device connectable to an information network;

16 a processor configured to execute a series of computer
17 executable instructions; and

18 a memory device containing an information retrieval program
19 comprising a series of computer executable instructions to detect the
20 information retrieval signal and, in response thereto, to retrieve from
21 the information network, via the communication device, information
22 pertaining to the imaging apparatus, wherein:

23 the information retrieval program includes a menu displayable to
24 a user by way of the user interface; and

25 the information retrieval signal generator is further configured to
receive a user input corresponding to a user selection from the menu

1 and to generate the information retrieval signal in accordance with the
2 user input.

3 (Emphasis added.)

4
5 In regard to Yoshida, that reference fails to provide an imaging apparatus
6 comprising an information retrieval program comprising computer executable
7 instructions to retrieve from the information network ... information pertaining to the
8 imaging apparatus, as recited in combination with the other features and limitations
9 of claim 1, as amended.

10 Rather, Yoshida is directed to a network system of apparatuses (1, 4, 6), each
11 apparatus capable of *querying the others* with respect to the functions respectively
12 provided thereby (Abstract; Col. 4, lines 30-51 and Col. 9, lines 1-8; and Fig. 1, et
13 seq. of Yoshida). In other words, Yoshida is directed to a networked system in which
14 a user can use a particular selected network device to retrieve, via the network,
15 functional information about the other devices on that network. Under Yoshida,
16 each network apparatus must be aware of its own functions (i.e., has information
17 pertaining to itself stored therein) in order to respond to queries by other apparatuses
18 in that regard. As a result, apparatuses under Yoshida have no need for issuing
19 information requests regarding their own functionality (or any other information
20 particular to the requesting apparatus, for that matter).

21 Yoshida provides *no teachings whatsoever* directed to retrieving information
22 from a network regarding the particular device that the user is presently using (i.e.,
23 interfacing with, etc.). In any case, Yoshida fails to provide an imaging apparatus
24 comprising an information retrieval program comprising computer executable
25 instructions to retrieve, from the information network, ... information pertaining to
the imaging apparatus, as recited in combination with the other features and
limitations of claim 1, as amended.

1 Thus, Yoshida fails to provide at least one limitation as positively recited by
2 claim 1, as amended. As a result, the § 102 rejection of claim 1, as amended, is
3 unsupportable in view of the deficiency of Yoshida and in further view of the
4 requirements recited above, and must be withdrawn. Therefore, the Applicant
5 asserts that claim 1, as amended, is allowable over Yoshida.

6 With respect to Arima, that reference fails to provide an imaging apparatus
7 comprising an information retrieval program, the information retrieval program
8 including a menu displayable to a user by way of the user interface, as recited in
9 combination with the other features and limitations of claim 1, as amended. Also,
10 Arima fails to provide an information retrieval signal generator configured to receive
11 a user input corresponding to a user selection from the menu, and to generate the
12 information retrieval signal in accordance with the user input, as recited in
13 combination with the other features and limitations of claim 1, as amended.

14 In contrast, Arima teaches a printer apparatus equipped to detect and alert a
15 user to the depleted state of a resource, such as sheet media, with respect to a
16 predetermined threshold. Arima also teaches that the printer apparatus is configured
17 to gather information related to re-ordering (i.e., replenishing) the resource (e.g.,
18 paper) by way of contacting a vendor home page using a predetermined Uniform
19 Resource Locator (URL) (Abstract; Col. 6, lines 47-56; and Col. 7, lines 40-51, et
20 seq. of Arima). Put another way, Arima is directed to at least partially automating the
21 resource replenishment process by automatically detecting a low level of that
22 resource and, in response, *automatically* contacting a network (e.g., Internet) based
23 vendor for re-ordering information to be provided to a user. This is not the same as
24 the invention as recited by instant claim 1, as amended.

25 In any event, Arima fails to provide at least: 1) a menu displayable to a user;
and 2) generating an information retrieval signal in accordance with a user input
corresponding to that menu, as recited by claim 1, as amended. Thus, Arima fails to

1 provide at least two limitations as positively recited by claim 1, as amended. As a
2 result, the § 102 rejection of claim 1, as amended, is unsupportable in view of the
3 deficiencies of Arima, and in further view of the requirements recited above, and
4 must be withdrawn. Therefore, the Applicant asserts that claim 1, as amended, is
5 allowable over Arima.

6 In view of the foregoing, the Applicant asserts that claim 1, as amended, is
7 allowable. As rejected claims 2-4 and 6-8 (as respectively amended) depend
8 (directly or indirectly) from claim 1, as amended, it is axiomatic that claims 2-4 and
9 6-8 (as respectively amended) are also allowable at least by virtue of their respective
10 dependence from an allowable base claim, as well as for their own respectively
11 patentable features and limitations. Therefore, the Applicant respectfully requests
12 that the § 102 rejections of claims 2-4 and 6-8 be withdrawn and the claims (as
13 respectively amended) be allowed.

14
15 Claim 9

16 The Applicant contends that claim 9, (and rejected claim 10 which depends
17 therefrom), are not anticipated by Yoshida. With respect to claim 9, that claim
18 recites the following features and limitations:

19
20 An imaging apparatus comprising:

21 a user display configured to present to a user a plurality of
22 retrievable information types, each information type associated with
23 information pertaining to the imaging apparatus;

24 a user input to allow the user to select at least one of the
25 retrievable information types and to generate an associated
information retrieval signal in response thereto;

1 a communication device connectable to an information network;
2 and
3 a controller configured to receive the information retrieval signal
4 and, in response thereto, to use the communication device to retrieve
5 from the information network the associated information pertaining to
6 the imaging apparatus.

7 (Emphasis added.)
8

9 Yoshida fails to provide an imaging apparatus comprising a controller
10 configured to receive [an] information retrieval signal and, in response thereto, to use
11 [a] communication device to retrieve from the information network the associated
12 information *pertaining to the imaging apparatus*, as recited in combination with the
13 other features and limitations of claim 9. More to the point, Yoshida fails to provide
14 any teachings that are, in any way, related to retrieving information *pertaining to the*
15 *imaging apparatus* from an information network. Again, Yoshida is directed to
16 enabling a *first* network apparatus to query a *second* (or other) network apparatus
17 with respect to the available functions of that the *second* (or other) network
18 apparatus. This is not the same as the present invention as recited by instant
19 claim 9.

20 Thus, Yoshida fails to provide at least one limitation as positively recited by
21 claim 9, as amended. As a result, the § 102 rejection of claim 9 is unsupportable in
22 view of the deficiency of Yoshida and in further view of the requirements recited
23 above. In turn, the §102 rejection of claim 9 is invalid and must be withdrawn.

24 In view of the foregoing, the Applicant asserts that claim 9 is allowable. As
25 rejected claim 10 (as amended) depends from claim 9, it is axiomatic that claim 10
(as amended) is also allowable at least by virtue of its dependence from an allowable
base claim, as well as for its own respectively patentable features and limitations.

1 Claim 19

2 The Applicant contends that claim 19, as amended (and respectively rejected
3 claims 20 and 23-25, as amended, which depend therefrom), are not anticipated by
4 Yoshida or Arima. With respect to claim 19 (as amended), that claim recites the
5 following features and limitations:

6
7 A method of retrieving information pertaining to an imaging
8 apparatus, comprising:
9 displaying a menu of plural information types to a user;
10 receiving a user input corresponding to a user selection from the
11 menu;
12 generating an information retrieval signal corresponding at least
13 in part to the user input;
14 using the signal to initiate a communication session with an
15 information network; and
16 during the communication session, retrieving information
17 pertaining to the imaging apparatus from the information network.

18 (Emphasis added.)

19
20 In regard to Yoshida, that reference fails to provide a method of retrieving
21 information pertaining to an imaging apparatus, including retrieving information
22 **pertaining to the imaging apparatus** from the **information network**, as recited in
23 combination with the other features and limitations of claim 19, as amended.
24 Yoshida is directed to gathering information related to other networked apparatuses,
25 and not for the apparatus that the user is present operating.

For at least the foregoing reasons, the Applicant asserts that the § 102
rejection of claim 19, as amended, is unsupportable in view of the deficiency of

1 Yoshida and must be withdrawn. Therefore, the Applicant asserts that claim 19, as
2 amended, is allowable over Yoshida.

3 With respect to Arima, that reference fails to provide a method including
4 displaying a menu of plural information types to a user, receiving a user input
5 corresponding to a user selection from the menu, and generating an information
6 retrieval signal corresponding at least in part to the user input, as recited in
7 combination with the other features and limitations of claim 19, as amended. Also,
8 Arima fails to provide such a method that includes using the signal to initiate a
9 communication session with an information network, and retrieving information
10 pertaining to the imaging apparatus from the information network, as recited in
11 combination with the other features and limitations of claim 19, as amended.

12 Thus, Arima fails to provide at least the foregoing limitations as positively
13 recited by claim 19, as amended. For at least these reasons, the Applicant asserts
14 that the § 102 rejection of claim 19, as amended, is unsupportable in view of the
15 deficiencies of Arima and must be withdrawn. Therefore, the Applicant asserts that
16 claim 19, as amended, is allowable over Arima.

17 In view of the foregoing, the Applicant asserts that claim 19, as amended, is
18 allowable. As rejected claims 20 and 23-25 (as respectively amended) depend
19 (directly or indirectly) from claim 19, as amended, it is axiomatic that claims 20 and
20 23-25 (as respectively amended) are also allowable at least by virtue of their
21 respective dependence from an allowable base claim, as well as for their own
22 respectively patentable features and limitations. Therefore, the Applicant
23 respectfully requests that the § 102 rejections of claims 20 and 23-25 be withdrawn
24 and the claims (as respectively amended) be allowed.

25
(Continued on next page.)

1 Rejection of Claims under 35 U.S.C. § 103

2 Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable
3 over Yoshida, in further view of U.S. Patent Application Publication No.
4 2001/0008997 ("Masuda"). Claims 12 and 13 have been rejected under 35 U.S.C. §
5 103(a) as being unpatentable over Yoshida, in further view of U.S. Patent No.
6 6,629,134 ("Hayward"). Claims 17 and 21 have been rejected under 35 U.S.C. §
7 103(a) as being unpatentable over Arima, in further view of U.S. Patent No.
8 6,563,944 ("Kumada").

9 Claims 11-13 depend, directly or indirectly, from claim 9, while claim 21
10 depends directly from claim 19, as amended. It is axiomatic that any claim that
11 depends from an allowable base claim is also allowable. Therefore, the Applicant
12 asserts that claims 11-13 and 21 are also allowable at least by virtue of their
13 respective dependence from allowable claims 9 and 19, as respectively amended, as
14 well as for their own respectively patentable features and limitations. The applicant
15 does not feel it necessary to provide arguments in favor of each and every
16 dependent claim 11-13 and 21. With respect to claim 17, that claim has been
17 cancelled as indicated above. Therefore, the § 103 rejection of claim 17 is moot.

18
19 (Continued on next page.)
20
21
22
23
24
25

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

The Examiner is respectfully requested to contact the below-signed representative if the Examiner believes this will facilitate prosecution toward allowance of the claims.

Chris STRUBLE

By John S. Reid
John S. Reid
Attorney and Agent for Applicant
Reg. No. 36,369
Phone: (509) 534-5789